761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: April 28, 2000

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
PERSONNEL AND TRAINING DIVISION

TO: CATHY A. TAYLOR, CAPTAIN
SPECIAL ENFORCEMENT BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF DEADLY FORCE, APRIL 21, 1999, IAB REVIEW #1251919**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of deadly force incident which occurred on April 21, 1999.

The committee met on April 27, 2000 and consisted of myself, Commanders Michael Soderberg (Commander of the Department) and Jay Sewards (Commander of the Department). The committee determined the use of force by Deputies [redacted] #[redacted] and [redacted] #[redacted] as well as the use of deadly force by Deputy Morrie Zager #[redacted] was within Department policy. Please advise the deputies of this finding.

RLC:KRK:kk

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SHOOTING INCIDENT EVALUATION

EXHIBITS A THROUGH C

B-21 Photographs of the large black canvas duffle bag containing a pair of black boots, military camouflaged pants, camouflaged jacket, two leather gloves, and one plastic compass

B-22 Photographs of the black rubber gas mask and green metal gas mask filter canister

B-23 Photograph of the Radio Shack handheld 50 channel scanner

C Homicide Bureau's completed report of shooting incident under File #099-06188-0575-055

MICELLANEOUS DOCUMENTS

PPI Profiles for Deputies
Assignment Card Request
Assignment Cards
Shooting and Training Records

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: April 21, 1999	Bureau/Station/Facility: Special Enforcement Bureau	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 099-06188-0575-055	Date: April 21, 1999 Time: 1700 hours
City or Station: ROSEMEAD	Nature of Incident: DEPUTY INVOLVED SHOOTING - SUSPECT KILLED
Location: E/B 60 Fwy at the Rosemead Exit	

Location Type (circle one or more): Backyard, Beach, Business, **Freeway** (circled), Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ________

Lighting (circle only one): Darkness, **Daylight** (circled), Other, Street Lights

Weather (circle only one): Clear, **Cloudy** (circled), Fog, Rain

Distance: 175 feet

Incident Type (circle one or more): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service

Other: Barricaded Suspect

Initiated by (circle only one): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, **Other** (circled), Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	None	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one):	ShiftType (circle only one):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more):	
[redacted]	YAW	PHILLIP	A.	**On Duty** (circled), **Present during shooting** (circled)	Witness to shooting, Involved in shooting
[redacted]	EWELL	JACK		**On Duty** (circled), **Present during shooting** (circled)	Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	FORD	MICHAEL	

[illegible] Use Only

SH # ____________

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 099-06188-0575-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-21-99	1800	04-21-99	

Employee #	Last Name	First Name	M.I
[redacted]	CAMPBELL	THOMAS	T.
[redacted]	NELSON	RUTH	
[redacted]	TARDIFF	RON	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E-1	S-1	FR	RM	30	Y	Y	DH	HE
E-2	S-1	TG						
E-3	S-1	TG						

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 099-06188-0575-055

Involved Employee

~~11~~ E 1

Employee # [redacted]	Last Name ZAGER	First Name MORRIE	M.I.
Sex: M Race: W	Rank : BONUS 1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Long Rifle #1
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case # 99-02840 Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6' 0"	Weight: 205		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: W	Rank : BONUS 1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): GAS TEAM
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case # 99-02840 Interviewed? ☒
Hrs of sleep prior to shooting: 5	Duty [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6' 02"	Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: W	Rank : BONUS 1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): GAS TEAM
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case # 99-02840 Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: Height:	Weight:		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

Suspect Information

11

S 1

Last Name: RODRIGUEZ		First Name: ARMANDO	M.I.
AKA Last Name: ORRONOSE		First Name: JORGE	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 26 D.O.B. 12-28-73	Height: 5' 06" Weight: 175	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge: 245 (d)(1) PC	Secondary Charge: 211 PC	
Coroner Case? ☒	Coroner Case # 99-02840	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: CHEVROLET		Model: CAPRICE	Year: 1988

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE SUMMARY

IAB CASE NUMBER SH 1251919

On Wednesday, April 21, 1999, Sergeants Thomas T. Campbell, Stacy Lee, and Ruth Nelson, along with Lieutenant Ron Tardiff of the Internal Affairs Bureau, responded to the Rosemead Boulevard off-ramp of the 60 Freeway regarding a Deputy Involved Shooting, Suspect Killed. The suspect, Armando Rodriguez, MH/26, was shot and killed by Special Enforcement Bureau personnel during a five hour standoff when he pointed a semi automatic pistol at them after barricading himself in a stolen taxi cab that became disabled on the freeway. Suspect Rodriguez was wanted in connection with a bank robbery he committed earlier that day in the City of Bell Gardens.

The summary of this incident is based on information obtained from reports, memoranda, and other documents regarding Temple Station File #099-06188-0575-055, interviews of the involved deputies and witnesses, as well as recording and mobile digital data provided by the Sheriff's Communication Center (SCC)

INVOLVED DEPUTY INFORMATION

Deputy Morrie Zager, [redacted] Bonus I

Department Background:

Deputy Zager is a 13 year Department veteran who has been assigned to Special Enforcement Bureau since September of 1996. This incident was Deputy Zager's [redacted]

SUSPECT INFORMATION

Armando Rodriguez, MH/25

Suspect Rodriguez was a 25 year old male who did not have an [redacted] Prior to the shooting, Suspect Rodriguez had not held a job for over three years. He was living with his [redacted] at his [redacted] house and had recently taken a large sum of money from his [redacted] bank account ($10,000.00 - $15,000.00) and invested it in the

commodities market and lost it. This loss in the commodities market may have been the motive for the bank robbery. His [redacted] told Homicide Investigators that Suspect Rodriguez had just recently purchased the assault rifle and two protect vests that were found in his possession at the time of shooting.

INVESTIGATIVE SUMMARY

On Wednesday, April 21, 1999, at approximately 1145 hours, Suspect Armando Rodriguez committed an armed robbery at the California Federal Bank located at 5740 East Florence Avenue in the City of Bell Gardens. He entered the bank assault wearing a black ski mask, green camouflaged army jacket, and dark pants, armed with a semi automatic assault rifle. After entering the bank, he stated, "This is a robbery," and ordered customers and bank employees to get down on the floor. After obtaining the money from the tellers, Suspect Rodriguez left the bank and fled the area in a yellow and green taxi cab belonging to the Green Line Taxi Company that he "car jacked" earlier that morning at the corner of 12th Street and Union Avenue in the City of Los Angeles.

After leaving the California Federal Bank, Suspect Rodriguez got on the 710 Freeway and drove northbound, followed by a civilian witness by the name of [redacted] who observed the robbery take place from the bank parking lot. While following Suspect Rodriguez, [redacted] was able to contact the California Highway Patrol via his cell phone and relay Suspect Rodriguez's position and direction of travel. [redacted] continued to follow Suspect Rodriguez's vehicle until units from both the CHP and Bell Gardens Police Department caught up to them and initiated a pursuit. CHP units at the request of Bell Gardens Police [redacted] then took over the pursuit and with the assistance of LASD Air 7 and continued to pursue Suspect Rodriguez. The pursuit, which by that time was being televised by several Los Angeles area news channels, continued on several freeways until the taxi driven by Suspect Rodriguez became disabled and stopped on the eastbound 60 Freeway in the number four lane, just west of the southbound off ramp at Rosemead Boulevard in the Whittier Narrows area of Los Angeles County **(Exhibit B-1)**.

After Suspect Rodriguez's vehicle came to a stop, he barricaded himself inside and refused numerous commands to exit the vehicle and surrender. Information from the CHP officers involved in the pursuit indicated that Suspect Rodriguez was heavily armed with an assault rifle, a handgun, and what appeared to be a homemade explosive device, all of which he brandished several times during the pursuit. Due to the above, CHP units notified the Los Angeles County Sheriff's Department's Special Enforcement Bureau via their dispatch center and requested their assistance in taking Suspect Rodriguez into custody. A containment of the area was set up by units from Temple Sheriff's Station in conjunction with the CHP and Los Angeles County Park Police. A command post was set up at the

Pachmyr Shooting Range just south of the location.

Special Enforcement Bureau personnel under the direction of Sergeant Phil Yaw responded to scene and took over the containment. Due to the nature of the incident, Arson-Explosives Detail and the Hostage Negotiations Detail also responded to the command post. Sergeant Yaw, the Tan Team leader, with the assistance of Sergeant Jack Ewell, the Gray Team leader, then deployed SEB/SWAT deputies and positioned them north, west, and south of the suspect vehicle, which was stopped in the number four eastbound lane of the freeway. Two long rifle teams were also deployed. The first team (long rifle #1) was positioned on the south side of the freeway adjacent to the eastbound off ramp of Rosemead Boulevard in the grassy area approximately 70 yards south of where the taxicab had stopped, and the second team (long rifle #2) was positioned behind the concrete center divider on the north side of the freeway in the westbound lanes of traffic approximately 60 feet from the taxicab **(refer to Exhibit A for further details)**.

Deputy Morrie Zager took up the long rifle position for team #1 on the south side of the freeway **(Exhibit B-2)**. He was assisted by Deputies Willie Robinson and Steve Remate who had taken up the position shortly before his arrival. Deputies Robinson and Remate informed Deputy Zager that Suspect Rodriguez was armed with a assault rifle that has a scope mounted on it. Due to the fact that the right front passenger window of the taxicab was down, Deputy Zager had a clear view of Suspect Rodriguez through the scope on his rifle **(Exhibit B-3)**, and was able to relay information regarding his actions to the command post. Suspect Rodriguez was observed seated behind the wheel of the taxicab wearing a black ski mask, a ballistic helmet with goggles, and a military type field jacket, which partially covered a entry-type bulletproof vest. Deputy Zager could also see what appeared to be a transistor radio or police scanner inside the vehicle, but not the assault rifle.

During the course of the standoff, Suspect Rodriguez constantly looked over his shoulders and adjusted the rear view mirrors of the taxicab in an attempt to locate the deputies positioned behind him. At one point he could be seen climbing into the backseat of the taxicab and fumbling with unseen objects. On several occasions during the standoff, Suspect Rodriguez raised a dark colored semiautomatic handgun up to where the deputies at the location could clearly see it and then pointed it eastward toward the windshield. These actions on the part of Suspect Rodriguez did not pose a threat to anyone because all the vehicle traffic in the immediate area had been stopped and diverted **(refer to Exhibit B-4 for further details)**. Toward the end of the standoff, Suspect Rodriguez took off his green military-type jacket and removed the two bullet proof vests he had on, but not the black ski mask, which he continued to wear over his head and face.

After a three hour standoff in which all attempts to contact the suspect and get him to surrender failed, it was finally decided that the Crisis Negotiation Team would use the "throw phone" in an attempt to contact Suspect Rodriguez.

> **IAB NOTE:** The "throw phone" equipment is a self contained telephone system with two separate instruments. One instrument is in a padded container that can be thrown into a location. The instrument is connected via telephone wire to a box with a second telephone instrument. The box and second instrument stays with the Crisis Negotiation Team at the command post.

It was further decided that the throw phone would be introduced to Suspect Rodriguez by use of the robot from the Arson Explosives Unit **(Exhibit B-5)**. This particular robot has both audio and video capabilities, which enabled the crisis negotiator to both speak to Suspect Rodriguez directly by using the audio capabilities of the robot, as well as observe his reaction during the conversation. The robot took the throw phone and approached the taxicab. When it reached the taxicab, the telephone was raised to the level of the open driver's door window where Suspect Rodriguez eventually grabbed it and took it inside the vehicle. Once Suspect Rodriguez was in possession of the telephone, Crisis Negotiation Team members were able to contact him and converse with him for approximately six or seven minutes. During this six to seven minute conversation with members of the Crisis Negotiating Team, Suspect Rodriguez repeatedly asked how much time in jail he was looking at for committing the robbery. He also told them that he was 27 years old and had never been in jail or prison before and wasn't going to allow anyone to put him there because he was claustrophobic. He said he would rather be shot or commit suicide before allowing anyone to put him in jail. He then very abruptly ended the conversation by throwing the telephone out of the taxicab.

The robot picked up the telephone and once again extended it to Suspect Rodriguez via the open driver's side door window. A second conversation was established which lasted for an additional 25 minutes. Suspect Rodriguez told the crisis negotiator (Deputy Rosario Holland) that he was an only child whose parents were dead, that he was not married, and had no children. At one point during this second conversation, Suspect Rodriguez told Deputy Holland that the deputies would have to kill him in order to take him into custody, and to just go ahead and have the sharp shooters take a clear shot at him if they got the chance and take him out. He also said he wished to be cremated if he was killed. This second conversation was punctuated with several three to four minute gaps of non communication. Throughout both conversations Suspect Rodriguez remained calm and did not raise his voice or use profanity. He finally told Deputy Holland that the deputies would have to come and get him because he wasn't coming out of the taxicab of his own volition.

He then threw the telephone out of the taxicab a second time, but the telephone cord got hung up on the door lock, which caused the telephone to hang beside the door. All further attempts to contact Suspect Rodriguez met with negative results. At this point the crisis negotiators felt that Suspect Rodriguez was definitely suicidal and was going to shoot it out with the deputies and passed that information on to the incident commander at the command post.

When negotiations failed to get Suspect Rodriguez to surrender, the Special Enforcement SWAT Team Leader, Sergeant Phil Yaw, authorized the use of chemical agents (tear gas) in an attempt to bring the standoff to a successful conclusion. Deputies [redacted] and [redacted] approached the taxicab from the rear and fired one tear gas canister each into the vehicle. Deputy [redacted] fired one tear gas canister through the open driver's side window from his position behind the four foot high cement center divider slightly behind and to the north side of the taxicab, while Deputy [redacted] who was directly behind the taxicab and on top of the A.R.V., fired one canister through the back window **(Exhibit B-6)**. When the tear gas canisters entered the taxicab, Suspect Rodriguez brought both of his hands up to his face and started "swatting his eyes." He then reached down with his right hand, brought up a semiautomatic pistol up to chest level, leaned to his left and pointed the gun out of the open driver's side window in the direction of Deputy [redacted] who was standing behind the concrete barrier 20 feet to the rear and 40 feet north of the taxicab. Upon seeing this, Deputy Zager then fired one round from his .308 caliber rifle striking Suspect Rodriguez in the head killing him. Deputy Zager said he shot Suspect Rodriguez because there was no doubt in his mind that Suspect Rodriguez was trying to shoot and kill Deputy [redacted] The bullet fired by Deputy Zager also struck the robot that was north of Suspect Rodriguez's position in the direct line of fire, knocking it over.

> **IAB NOTE:** After reviewing the video tape obtained from the robot, it appears that Suspect Rodriguez was about to open the driver's side door of the taxi, get out, and confront the deputies with the 9mm semiautomatic pistol when he was shot and killed.

After Suspect Rodriguez was shot, the arrest team, including ESD paramedics, moved up to the taxicab and observed Suspect Rodriguez still seated behind the wheel of the taxicab. His body was leaning against the center post of the open driver's side door with his left arm hanging down and his hand touching the floorboard on the left side of the driver's seat **(Exhibit B-7)**. He had sustained a major gunshot wound to the head and there was significant brain matter inside the vehicle and on the ground underneath the driver's side door. He was pronounced dead by the on scene paramedics, Deputies Darryl Airhart and Dana Vilander, at 1703 hours. The arrest team also found a Sig Sauer 9mm semiautomatic pistol in Suspect Rodriguez's lap. That weapon was removed and placed on the roof of the

taxicab pending further investigation **(Exhibit B-8)**. The arrest team could also see a assault rifle with a mounted scope and two PVC pipe bombs with their fuses tied together laying on the front seat of the taxicab next to Suspect Rodriguez's body near his right leg. They also found one other PVC pipe bomb laying on the right rear floorboard, as well as a lot of other military type equipment inside the vehicle.

Due to the explosive devices found inside the suspect vehicle, it had to be rendered safe before further investigation could continue. Deputies from the Arson-Explosive Detail fearing that Suspect Rodriguez might have wired his body with an explosive device, placed a rope around his body with a remote controlled device and pulled him from the vehicle. As Suspect Rodriguez was being pulled out of the taxi, the black ski mask he was wearing slipped off his head and fell to the ground next to the driver's door. Investigators also observed a black "Bic" disposable lighter on the ground near the ski mask. Once the suspect's body was clear of the taxi cab, Deputy David Cofield, #[redacted] approached the vehicle and remotely removed four explosive devices found inside. In addition to the two PVC pipe bombs found on the front seat next to the Suspect Rodriguez's right leg, and the one PVC pipe bomb was found on the right rear floorboard, one additional pipe bomb was found in a black bag that was filled with ammunition. These four items were taken to a nearby make shift bunker made from several sandbags and rendered safe by exploding them **(Exhibit B-9)**. Investigators later learned that the explosive devices were built to be exploded by the use of a standard fuse, which would be consistent with the suspect having a lighter in his possession to set off the explosives. After Suspect Rodriguez was removed from the taxi cab, Coroner's Investigator [redacted] arrived at the location and took control of his remains. Coroner's Case number 99-02840 was issued and Suspect Rodriguez's body was transported to the Coroner's Office for positive identification and post mortem examination.

After the shooting took place and members of the Arson-Explosive Detail had rendered the suspect vehicle safe by removing the four pipe bombs found inside, Homicide Investigators were able to examine the interior of the taxicab. As they approached the vehicle, they observed a "Sig Sauer" 9mm semiautomatic pistol on top of the roof of the taxi. The weapon had six unexpended 9mm rounds in the magazine and one in the chamber **(Exhibit B-8)**. Deputy Swanson, SEB/SWAT, removed the pistol from Suspect Rodriguez's lap after he was shot and killed and placed it on the roof of the taxicab for safe keeping. Investigators also found a .223 caliber "Armalite" assault rifle with a mounted scope and laser aiming device laying on the front seat next to Suspect Rodriguez. The rifle had a forty (40) round magazine in the receiver **(Exhibit B-10)**.

Additional military and police type equipment was found in the front and back seat of the taxicab and removed from the vehicle. That equipment consisted of one tan pouch containing the Hostage Negotiator's telephone **(Exhibit B-11)**. One black braided leather belt with a black "Bianchi" holster and leather magazine pouch containing two magazines with a total of 23 unexpended 9mm rounds **(Exhibit B-12)**. One magazine held 13 rounds and the other one held 10 rounds. One black handled knife with a seven inch black blade in a black leather sheath **(Exhibit B-13)**. One green nylon military style back pack with shoulder straps and ammunition pouches **(Exhibit B-14)**. One "Safariland" ballistic vest with front trauma plate **(Exhibit B-15)**. One "International Armor" ballistic entry vest with "Spectra Shield" ballistic panels **(Exhibit B-16)**. One military ballistic helmet with a camouflaged cloth cover and attached shaded goggles and plastic military style flashlight **(Exhibit B-17)**. One green military canvas bag containing the $3,325.00 in U.S. currency stolen from the California Federal Bank in Bell Gardens **(Exhibit B-18)**. One green military style canvas bag with shoulder straps containing four large rifle magazines and two small rifle magazines **(Exhibit 19)**. One of the large magazines had 40 unexpended .223 caliber rounds in it and the other three had a combined total of 42 unexpended rounds. The two smaller magazines each had 7 unexpended .223 caliber rounds in them. One green military canvas web belt **(Exhibit B-20)**. One large black canvas duffle bag containing a pair of black boots, one pair of military camouflaged pants, one camouflaged jacket, two black leather gloves, and one plastic compass **(Exhibit B-21)**. One black rubber gas mask and green metal gas mask filter canister **(Exhibit B-22)**. One green plastic canteen with nylon belt pouch, and one "Radio Shack" handheld 50 channel scanner with a six inch black rubber coated antenna **(Exhibit B-23)**. For further details regarding the items found inside the taxicab, refer to Homicide Investigators Richard Graves and Kenneth Clark's supplement report **(Exhibit C, page 32).**